



Sen. Daniel Biss

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LRB099 16784 JLS 46865 a

1 AMENDMENT TO SENATE BILL 2420

2 AMENDMENT NO. _____. Amend Senate Bill 2420 on page 1 by
3 inserting immediately below line 3 the following:

4 "Section 3. The Illinois Income Tax Act is amended by
5 changing Section 917 as follows:

6 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

7 Sec. 917. Confidentiality and information sharing.

8 (a) Confidentiality. Except as provided in this Section,
9 all information received by the Department from returns filed
10 under this Act, or from any investigation conducted under the
11 provisions of this Act, shall be confidential, except for
12 official purposes within the Department or pursuant to official
13 procedures for collection of any State tax or pursuant to an
14 investigation or audit by the Illinois State Scholarship
15 Commission of a delinquent student loan or monetary award or
16 enforcement of any civil or criminal penalty or sanction

1 imposed by this Act or by another statute imposing a State tax,
2 and any person who divulges any such information in any manner,
3 except for such purposes and pursuant to order of the Director
4 or in accordance with a proper judicial order, shall be guilty
5 of a Class A misdemeanor. However, the provisions of this
6 paragraph are not applicable to information furnished to (i)
7 the Department of Healthcare and Family Services (formerly
8 Department of Public Aid), State's Attorneys, and the Attorney
9 General for child support enforcement purposes and (ii) a
10 licensed attorney representing the taxpayer where an appeal or
11 a protest has been filed on behalf of the taxpayer. If it is
12 necessary to file information obtained pursuant to this Act in
13 a child support enforcement proceeding, the information shall
14 be filed under seal.

15 (b) Public information. Nothing contained in this Act shall
16 prevent the Director from publishing or making available to the
17 public the names and addresses of persons filing returns under
18 this Act, or from publishing or making available reasonable
19 statistics concerning the operation of the tax wherein the
20 contents of returns are grouped into aggregates in such a way
21 that the information contained in any individual return shall
22 not be disclosed.

23 (c) Governmental agencies. The Director may make available
24 to the Secretary of the Treasury of the United States or his
25 delegate, or the proper officer or his delegate of any other
26 state imposing a tax upon or measured by income, for

1 exclusively official purposes, information received by the
2 Department in the administration of this Act, but such
3 permission shall be granted only if the United States or such
4 other state, as the case may be, grants the Department
5 substantially similar privileges. The Director may exchange
6 information with the Department of Healthcare and Family
7 Services and the Department of Human Services (acting as
8 successor to the Department of Public Aid under the Department
9 of Human Services Act) for the purpose of verifying sources and
10 amounts of income and for other purposes directly connected
11 with the administration of this Act, the Illinois Public Aid
12 Code, and any other health benefit program administered by the
13 State. The Director may exchange information with the Director
14 of the Department of Employment Security for the purpose of
15 verifying sources and amounts of income and for other purposes
16 directly connected with the administration of this Act and Acts
17 administered by the Department of Employment Security. The
18 Director may make available to the Illinois Workers'
19 Compensation Commission information regarding employers for
20 the purpose of verifying the insurance coverage required under
21 the Workers' Compensation Act and Workers' Occupational
22 Diseases Act. The Director may exchange information with the
23 Illinois Department on Aging for the purpose of verifying
24 sources and amounts of income for purposes directly related to
25 confirming eligibility for participation in the programs of
26 benefits authorized by the Senior Citizens and Persons with

1 Disabilities Property Tax Relief and Pharmaceutical Assistance
2 Act. The Director may exchange information with the State
3 Treasurer's Office and the Department of Employment Security
4 for the purpose of implementing, administering, and enforcing
5 the Illinois Secure Choice Savings Program Act.

6 The Director may make available to any State agency,
7 including the Illinois Supreme Court, which licenses persons to
8 engage in any occupation, information that a person licensed by
9 such agency has failed to file returns under this Act or pay
10 the tax, penalty and interest shown therein, or has failed to
11 pay any final assessment of tax, penalty or interest due under
12 this Act. The Director may make available to any State agency,
13 including the Illinois Supreme Court, information regarding
14 whether a bidder, contractor, or an affiliate of a bidder or
15 contractor has failed to file returns under this Act or pay the
16 tax, penalty, and interest shown therein, or has failed to pay
17 any final assessment of tax, penalty, or interest due under
18 this Act, for the limited purpose of enforcing bidder and
19 contractor certifications. For purposes of this Section, the
20 term "affiliate" means any entity that (1) directly,
21 indirectly, or constructively controls another entity, (2) is
22 directly, indirectly, or constructively controlled by another
23 entity, or (3) is subject to the control of a common entity.
24 For purposes of this subsection (a), an entity controls another
25 entity if it owns, directly or individually, more than 10% of
26 the voting securities of that entity. As used in this

1 subsection (a), the term "voting security" means a security
2 that (1) confers upon the holder the right to vote for the
3 election of members of the board of directors or similar
4 governing body of the business or (2) is convertible into, or
5 entitles the holder to receive upon its exercise, a security
6 that confers such a right to vote. A general partnership
7 interest is a voting security.

8 The Director may make available to any State agency,
9 including the Illinois Supreme Court, units of local
10 government, and school districts, information regarding
11 whether a bidder or contractor is an affiliate of a person who
12 is not collecting and remitting Illinois Use taxes, for the
13 limited purpose of enforcing bidder and contractor
14 certifications.

15 The Director may also make available to the Secretary of
16 State information that a corporation which has been issued a
17 certificate of incorporation by the Secretary of State has
18 failed to file returns under this Act or pay the tax, penalty
19 and interest shown therein, or has failed to pay any final
20 assessment of tax, penalty or interest due under this Act. An
21 assessment is final when all proceedings in court for review of
22 such assessment have terminated or the time for the taking
23 thereof has expired without such proceedings being instituted.
24 For taxable years ending on or after December 31, 1987, the
25 Director may make available to the Director or principal
26 officer of any Department of the State of Illinois, information

1 that a person employed by such Department has failed to file
2 returns under this Act or pay the tax, penalty and interest
3 shown therein. For purposes of this paragraph, the word
4 "Department" shall have the same meaning as provided in Section
5 3 of the State Employees Group Insurance Act of 1971.

6 (d) The Director shall make available for public inspection
7 in the Department's principal office and for publication, at
8 cost, administrative decisions issued on or after January 1,
9 1995. These decisions are to be made available in a manner so
10 that the following taxpayer information is not disclosed:

11 (1) The names, addresses, and identification numbers
12 of the taxpayer, related entities, and employees.

13 (2) At the sole discretion of the Director, trade
14 secrets or other confidential information identified as
15 such by the taxpayer, no later than 30 days after receipt
16 of an administrative decision, by such means as the
17 Department shall provide by rule.

18 The Director shall determine the appropriate extent of the
19 deletions allowed in paragraph (2). In the event the taxpayer
20 does not submit deletions, the Director shall make only the
21 deletions specified in paragraph (1).

22 The Director shall make available for public inspection and
23 publication an administrative decision within 180 days after
24 the issuance of the administrative decision. The term
25 "administrative decision" has the same meaning as defined in
26 Section 3-101 of Article III of the Code of Civil Procedure.

1 Costs collected under this Section shall be paid into the Tax
2 Compliance and Administration Fund.

3 (e) Nothing contained in this Act shall prevent the
4 Director from divulging information to any person pursuant to a
5 request or authorization made by the taxpayer, by an authorized
6 representative of the taxpayer, or, in the case of information
7 related to a joint return, by the spouse filing the joint
8 return with the taxpayer.

9 (Source: P.A. 99-143, eff. 7-27-15.)"; and

10 on page 10 by inserting immediately below line 9 the following:

11 "Section 10. The Unemployment Insurance Act is amended by
12 changing Section 1900 as follows:

13 (820 ILCS 405/1900) (from Ch. 48, par. 640)

14 Sec. 1900. Disclosure of information.

15 A. Except as provided in this Section, information obtained
16 from any individual or employing unit during the administration
17 of this Act shall:

18 1. be confidential,

19 2. not be published or open to public inspection,

20 3. not be used in any court in any pending action or
21 proceeding,

22 4. not be admissible in evidence in any action or
23 proceeding other than one arising out of this Act.

1 B. No finding, determination, decision, ruling or order
2 (including any finding of fact, statement or conclusion made
3 therein) issued pursuant to this Act shall be admissible or
4 used in evidence in any action other than one arising out of
5 this Act, nor shall it be binding or conclusive except as
6 provided in this Act, nor shall it constitute res judicata,
7 regardless of whether the actions were between the same or
8 related parties or involved the same facts.

9 C. Any officer or employee of this State, any officer or
10 employee of any entity authorized to obtain information
11 pursuant to this Section, and any agent of this State or of
12 such entity who, except with authority of the Director under
13 this Section, shall disclose information shall be guilty of a
14 Class B misdemeanor and shall be disqualified from holding any
15 appointment or employment by the State.

16 D. An individual or his duly authorized agent may be
17 supplied with information from records only to the extent
18 necessary for the proper presentation of his claim for benefits
19 or with his existing or prospective rights to benefits.
20 Discretion to disclose this information belongs solely to the
21 Director and is not subject to a release or waiver by the
22 individual. Notwithstanding any other provision to the
23 contrary, an individual or his or her duly authorized agent may
24 be supplied with a statement of the amount of benefits paid to
25 the individual during the 18 months preceding the date of his
26 or her request.

1 E. An employing unit may be furnished with information,
2 only if deemed by the Director as necessary to enable it to
3 fully discharge its obligations or safeguard its rights under
4 the Act. Discretion to disclose this information belongs solely
5 to the Director and is not subject to a release or waiver by
6 the employing unit.

7 F. The Director may furnish any information that he may
8 deem proper to any public officer or public agency of this or
9 any other State or of the federal government dealing with:

- 10 1. the administration of relief,
- 11 2. public assistance,
- 12 3. unemployment compensation,
- 13 4. a system of public employment offices,
- 14 5. wages and hours of employment, or
- 15 6. a public works program.

16 The Director may make available to the Illinois Workers'
17 Compensation Commission information regarding employers for
18 the purpose of verifying the insurance coverage required under
19 the Workers' Compensation Act and Workers' Occupational
20 Diseases Act.

21 G. The Director may disclose information submitted by the
22 State or any of its political subdivisions, municipal
23 corporations, instrumentalities, or school or community
24 college districts, except for information which specifically
25 identifies an individual claimant.

26 H. The Director shall disclose only that information

1 required to be disclosed under Section 303 of the Social
2 Security Act, as amended, including:

3 1. any information required to be given the United
4 States Department of Labor under Section 303(a)(6); and

5 2. the making available upon request to any agency of
6 the United States charged with the administration of public
7 works or assistance through public employment, the name,
8 address, ordinary occupation and employment status of each
9 recipient of unemployment compensation, and a statement of
10 such recipient's right to further compensation under such
11 law as required by Section 303(a)(7); and

12 3. records to make available to the Railroad Retirement
13 Board as required by Section 303(c)(1); and

14 4. information that will assure reasonable cooperation
15 with every agency of the United States charged with the
16 administration of any unemployment compensation law as
17 required by Section 303(c)(2); and

18 5. information upon request and on a reimbursable basis
19 to the United States Department of Agriculture and to any
20 State food stamp agency concerning any information
21 required to be furnished by Section 303(d); and

22 6. any wage information upon request and on a
23 reimbursable basis to any State or local child support
24 enforcement agency required by Section 303(e); and

25 7. any information required under the income
26 eligibility and verification system as required by Section

1 303(f); and

2 8. information that might be useful in locating an
3 absent parent or that parent's employer, establishing
4 paternity or establishing, modifying, or enforcing child
5 support orders for the purpose of a child support
6 enforcement program under Title IV of the Social Security
7 Act upon the request of and on a reimbursable basis to the
8 public agency administering the Federal Parent Locator
9 Service as required by Section 303(h); and

10 9. information, upon request, to representatives of
11 any federal, State or local governmental public housing
12 agency with respect to individuals who have signed the
13 appropriate consent form approved by the Secretary of
14 Housing and Urban Development and who are applying for or
15 participating in any housing assistance program
16 administered by the United States Department of Housing and
17 Urban Development as required by Section 303(i).

18 I. The Director, upon the request of a public agency of
19 Illinois, of the federal government or of any other state
20 charged with the investigation or enforcement of Section 10-5
21 of the Criminal Code of 2012 (or a similar federal law or
22 similar law of another State), may furnish the public agency
23 information regarding the individual specified in the request
24 as to:

25 1. the current or most recent home address of the
26 individual, and

1 2. the names and addresses of the individual's
2 employers.

3 J. Nothing in this Section shall be deemed to interfere
4 with the disclosure of certain records as provided for in
5 Section 1706 or with the right to make available to the
6 Internal Revenue Service of the United States Department of the
7 Treasury, or the Department of Revenue of the State of
8 Illinois, information obtained under this Act.

9 K. The Department shall make available to the Illinois
10 Student Assistance Commission, upon request, information in
11 the possession of the Department that may be necessary or
12 useful to the Commission in the collection of defaulted or
13 delinquent student loans which the Commission administers.

14 L. The Department shall make available to the State
15 Employees' Retirement System, the State Universities
16 Retirement System, the Teachers' Retirement System of the State
17 of Illinois, and the Department of Central Management Services,
18 Risk Management Division, upon request, information in the
19 possession of the Department that may be necessary or useful to
20 the System or the Risk Management Division for the purpose of
21 determining whether any recipient of a disability benefit from
22 the System or a workers' compensation benefit from the Risk
23 Management Division is gainfully employed.

24 M. This Section shall be applicable to the information
25 obtained in the administration of the State employment service,
26 except that the Director may publish or release general labor

1 market information and may furnish information that he may deem
2 proper to an individual, public officer or public agency of
3 this or any other State or the federal government (in addition
4 to those public officers or public agencies specified in this
5 Section) as he prescribes by Rule.

6 N. The Director may require such safeguards as he deems
7 proper to insure that information disclosed pursuant to this
8 Section is used only for the purposes set forth in this
9 Section.

10 O. Nothing in this Section prohibits communication with an
11 individual or entity through unencrypted e-mail or other
12 unencrypted electronic means as long as the communication does
13 not contain the individual's or entity's name in combination
14 with any one or more of the individual's or entity's social
15 security number; driver's license or State identification
16 number; account number or credit or debit card number; or any
17 required security code, access code, or password that would
18 permit access to further information pertaining to the
19 individual or entity.

20 P. Within 30 days after the effective date of this
21 amendatory Act of 1993 and annually thereafter, the Department
22 shall provide to the Department of Financial Institutions a
23 list of individuals or entities that, for the most recently
24 completed calendar year, report to the Department as paying
25 wages to workers. The lists shall be deemed confidential and
26 may not be disclosed to any other person.

1 Q. The Director shall make available to an elected federal
2 official the name and address of an individual or entity that
3 is located within the jurisdiction from which the official was
4 elected and that, for the most recently completed calendar
5 year, has reported to the Department as paying wages to
6 workers, where the information will be used in connection with
7 the official duties of the official and the official requests
8 the information in writing, specifying the purposes for which
9 it will be used. For purposes of this subsection, the use of
10 information in connection with the official duties of an
11 official does not include use of the information in connection
12 with the solicitation of contributions or expenditures, in
13 money or in kind, to or on behalf of a candidate for public or
14 political office or a political party or with respect to a
15 public question, as defined in Section 1-3 of the Election
16 Code, or in connection with any commercial solicitation. Any
17 elected federal official who, in submitting a request for
18 information covered by this subsection, knowingly makes a false
19 statement or fails to disclose a material fact, with the intent
20 to obtain the information for a purpose not authorized by this
21 subsection, shall be guilty of a Class B misdemeanor.

22 R. The Director may provide to any State or local child
23 support agency, upon request and on a reimbursable basis,
24 information that might be useful in locating an absent parent
25 or that parent's employer, establishing paternity, or
26 establishing, modifying, or enforcing child support orders.

1 S. The Department shall make available to a State's
2 Attorney of this State or a State's Attorney's investigator,
3 upon request, the current address or, if the current address is
4 unavailable, current employer information, if available, of a
5 victim of a felony or a witness to a felony or a person against
6 whom an arrest warrant is outstanding.

7 T. The Director shall make available to the Department of
8 State Police, a county sheriff's office, or a municipal police
9 department, upon request, any information concerning the
10 current address and place of employment or former places of
11 employment of a person who is required to register as a sex
12 offender under the Sex Offender Registration Act that may be
13 useful in enforcing the registration provisions of that Act.

14 U. The Director shall make information available to the
15 Department of Healthcare and Family Services and the Department
16 of Human Services for the purpose of determining eligibility
17 for public benefit programs authorized under the Illinois
18 Public Aid Code and related statutes administered by those
19 departments, for verifying sources and amounts of income, and
20 for other purposes directly connected with the administration
21 of those programs.

22 V. The Director shall make information available to the
23 State Board of Elections as may be required by an agreement the
24 State Board of Elections has entered into with a multi-state
25 voter registration list maintenance system.

26 W. The Director shall make information available to the

1 State Treasurer's office and the Department of Revenue for the
2 purpose of facilitating compliance with the Illinois Secure
3 Choice Savings Program Act, including employer contact
4 information for employers with 25 or more employees and any
5 other information the Director deems appropriate that is
6 directly related to the administration of this program.

7 (Source: P.A. 97-621, eff. 11-18-11; 97-689, eff. 6-14-12;
8 97-1150, eff. 1-25-13; 98-1171, eff. 6-1-15.)".